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EXAMINER	
CADUGAN, ERICA E	
ART UNIT	**PAPER NUMBER**
3722	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/664,034	ALLEMANN ET AL.	
	Examiner	Art Unit	
	Erica E Cadugan	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45 and 47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19,21-45 and 47* is/are rejected.

7)☒ Claim(s) *20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification (e.g., on page 4) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 30 sets forth that the "jig assembly" further comprises a "retainer ring configured to be coupled to the workpiece". However the only "retainer" apparently taught by the specification is retainer 106, which is part of an assembled picture frame, and not any part of the "jig assembly", nor is the retainer 106 even described as usable with the jig assembly.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 9-10, 14-15, 19, 22-24, 30-34, 36, 39-41, and 44, 30 is as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,383,503 to Johnson.

Johnson teaches a router guide assembly including a first member 14 having a first opening 30 positioned against a top or "first" side of a workpiece resting on "second member" 12 (Figures 1-3 and column 2, lines 55-60). A template or "insert" 16 having a "second opening" 60 is received within the "first opening" 30 (Figure 1, col. 3, lines 17-21, for example). Note that the router is positioned above the upper frame 14 and guided by the template 16 to cut a desired shape into the workpiece (see col. 4, lines 36-47, for example).

Regarding claims 3-6, note that members 14 and 22 are coupled together via post assemblies 18, which includes cylindrical bolts 40 and nut members 50, considered "fasteners" (Figures 3-4, col. 3, line 51 through col. 4, line 35, for example). Note further that the "bolts" 40 extend tithing apertures of member 14 (see Figures 1-4).

Re claim 9, note that guide marks or "alignment lines" 70 are placed on template support flanges 36, which are part of the "first member" 14 (see Figures 1 and 5 and also col. 5, lines 9-13 and col. 3, line 27-32).

Re claim 10, note that non-slip surface or "pad" 26 is bonded to surface 22 of the "second member" 12 (see Figure 4 and col. 3, lines 10-16).

Re claim 14, see Figure 4, noting that the "fasteners" of the post assemblies 18 "couple" member 14 to the workpiece that rests on surface 22.

Re claims 15 and 36, see column 4, lines 52-57, which explicitly teaches that the template insert is formed from a rigid, clear plastic.

Re claim 19, note that Figure 5 shows apertures in template 16 through which threaded stud elements or "fasteners" 64 extend and ultimately "couple" the template to the workpiece (the template is connected to element 14, element 14 has the flange 36 shown in Figure 5 per col. 3, lines 29-32, for example, and element 14 is coupled to the workpiece as described previously).

Re claim 22, Johnson explicitly teaches that by releasing the nut members 66 and removing3 the template 16, a new template "having a different pattern" can be readily installed" so that different patterns can be cut in the workpiece (see col. 5, lines 2-8).

Re claim 23, note that the bear-shaped opening 60 shown in Figure 1 is considered to be "symbol-shaped".

Re claim 24, note that the insert 16 is shown in Figure 5 as having a "third" opening through which the member 64 extends.

Regarding claim 30, note that nut 50, for example, is a retaining device in the shape of a ring that is ultimately "coupled" to the workpiece (see Figure 4).

Re claim 44, note that as described, the rotational axis of the cutting bit constitutes the claimed longitudinal axis, and it inherently has an end affixed to the router and an end opposite that end which cuts the workpiece.

6. Claims 1-4, 9, 17-18, 21-23, 25, 30-32, 34-35, 37-39, 41, and 44, (30 is as best understood), are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,353,672 to Smith.

Smith teaches a template device for use with a router 22, the template device including a first or top member 100 having a first opening 116 that is positioned adjacent a top side of a workpiece 12 (Figures 1, 2, 8-9 and 11-12). The device further includes a plurality of interchangeable template inserts 102 (col. 9, lines 31-35 and 43-51), each having a second opening 18 therein (see Figures 1, 2, 8-9, and 11-12), shown in Figure 1 as having a square shape, but which shape can be of any desired configuration depending on the desired design to be formed in the workpiece (see col. 8, lines 41-49). The inserts 102 each have a ledge or shoulder 138 (Figures 11-12) extending from an outer edge thereof that rests on a ledge or recess 118 of the "first" member 100 such that the insert 102 being used is positioned within the opening 116 of the first member 100 (see Figures 1, 2, 8-9, 11-12, and col. 7, lines 45-49). Smith also teaches a "bottom member" 14 which supports the workpiece 12 thereon such that the workpiece is located between members 100 and 14 (Figure 1), and which bottom member is "coupled" to the "top" or "first" member 100 via clamping assemblies 16, considered "fasteners" (Figure 1, which can be any suitable clamping means, see col. 9, lines 23-26).

Re claims 9 and 21, note that the "first member" 100 has alignment lines 150 that line up with alignment lines 152 located on the template insert 102 (see Figures 11, 2, 8, and col. 8, line 50 through col. 9, line 4).

Re claim 22, note that Smith explicitly teaches selecting the proper template, having the desired configuration (col. 9, lines 31-35 and 43-51).

Re claim 25, note that the router 22 is shown with a "subbase", i.e., the horizontal support surface located at the bottom of the router (Figure 1).

Re claim 30, note, for example, that member 32 is "ring" shaped and is used to "retain" the workpiece 12 (see Figures 1, 2, and 4, for example).

Regarding the operation of the device, note that the router is positioned such that the cutting tool thereof passes through the opening 18 in the template and the guide bushing 26 of the router follows the template opening (see col. 9, lines 42-57, for example).

Re claim 44, note that the cutting bit 20 has a longitudinal axis (vertical as viewed in Figure 1), and has an end coupled to the router and an opposite end.

Claim Rejections - 35 USC § 102/103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 45 and 47 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Pat. No. 4,353,672 to Smith as applied to claims 41 and 44 above, or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Pat. No. 4,353,672 to Smith as applied to claims 41 and 44 above and further in view of U.S. Pat. No. 4,992,011 to Cesark, for example.

Smith teaches all aspects of the present invention as set forth in the above rejection based thereon. Additionally, it is noted that guide bearing 26 serves as a template follower (col. 9, lines 42-57), and appears to be positioned such that it is coupled to the shaft of the cutting bit intermediate the claimed proximal and distal ends (Figure 1).

However, in the alternative, if the guide bushing or bearing 26 is not considered to be located such that it is coupled to the cutting bit shaft intermediate the claimed proximal and distal ends, then it is noted that Cesark teaches a shaping or routing bit type cutting tool 20 (Figures 1 or 2) having an end (upper end as viewed in Figures 1 and 2) that is affixed to a tool driving device, and an end distal to that end. Further note that element 25 is a bearing or follower used to guide the tool (see Figures 1-2, col. 2, lines 45-58), and which can have a straight shape to engage a straight followed surface (col. 2, lines 54-58). Also note that element 25 is located intermediate the claimed proximal and distal ends of the cutting tool (Figures 1 and 2).

Additionally, Cesark explicitly teaches that the described cutting tool is advantageous because it provides a cutting tool having a follower that is adapted to be retained without any inadvertent dislodgement of the follower (col. 2, lines 18-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the specific cutting tool with intermediate bearing follower taught by Cesark for the generic tool/bearing-follower device taught by Smith for the purpose of preventing inadvertent dislodgement of the follower as taught by Cesark (col. 2, lines 18-22).

Claim Rejections - 35 USC § 103

9. Claims 7-8, 11-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,383,503 to Johnson as applied to claims 1-2, 10, and 15 above.

Johnson teaches all aspects of the present invention as set forth in the above rejection based thereon.

Additionally, re claims 7-8, while Johnson doesn't explicitly teach that element 14 is made of polycarbonate, Johnson does teach that the upper member 14 can "be formed from any suitable structural materials having the required strength and rigidity".

Also, re claims 11-12, while Johnson doesn't explicitly teach that the non-slip surface 26 is made of neoprene or rubber, Johnson does teach that the material is a "suitable" non-slip surface so that the workpiece "is firmly held in position during the routing operation" (col. 3, lines 10-13), and thus does not limit the non-slip surface to the described "relatively course, abrasive paper or cloth".

Re claim 13, while Johnson does show alignment lines 70 in Figure 1 that would appear to indicate that a template having an opening of a size of 5 units by 7 units would fit, and while Johnson further teaches that other templates having other shapes besides the bear shown in Figure 1 can be used (col. 5, lines 2-8), Johnson is silent as to whether the units of the alignment lines 70 are inches, and does not explicitly teach a template having a 5 x 7 inch "recess" as claimed in claim 13. Alternately/additionally, Johnson is silent as to the size of the bear-shaped recess 60 shown in Figure 1, and thus, does not explicitly teach that the recess 60 is 5 by 7 inches.

Finally, regarding claim 16, while Johnson does teach that the template 16 can be formed "from any relatively thin and rigid sheet material having suitable strength characteristics and sufficiently rigid to act as a guide for manual manipulation of the router about the pattern opening 60" and is preferably formed from a "rigid, clear plastic such as polystyrene" (col. 4, lines 48-57), Johnson does not explicitly teach that the template insert is formed from "polycarbonate" as set forth in claim 16.

Re claims 7-8, Examiner takes Official Notice that polycarbonate is a relatively strong and rigid material, thus meeting the requirements for the material of member 14 set forth by Johnson and described above. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized whatever known material having the desired properties for the member 14, such as polycarbonate, as was desired or expedient to an end user, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. See also Ballas Liquidating Co. v. Allied industries of Kansas, Inc. (DC Kans) 205 USPQ 331.

Re claims 11-12, Examiner takes Official Notice that it is a well-known property of neoprene rubber to have a non-slip surface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized whatever known material having the desired properties (e.g., non-slip surface) for the member 26, such as neoprene rubber, as was desired or expedient to an end user, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. See also Ballas Liquidating Co. v. Allied industries of Kansas, Inc. (DC Kans) 205 USPQ 331.

Re claim 13, it would have been an obvious matter of design choice to have made the size of the opening in the template to be whatever size was desired or expedient to an end user, depending on what size of recess it was desired to have routed into the workpiece, since such a modification would have involved a mere change in the size of a component. A change in size is

generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Re claim 16, Examiner takes Official Notice that polycarbonate is a relatively strong and rigid, clear material, thus meeting the requirements for the material of member 16 set forth by Johnson and described above. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized whatever known material having the desired properties for the member 16, such as polycarbonate, as was desired or expedient to an end user, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. See also Ballas Liquidating Co. v. Allied industries of Kansas, Inc. (DC Kans) 205 USPQ 331.

10. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,383,503 to Johnson as applied to claim 1 above, and further in view of U.S. Pat. No. 3,581,787 to Bane.

Johnson teaches all aspects of the present invention as set forth in the above rejection based thereon, but is silent as to the details of the router used, and thus does not teach the specifics of the sub-base set forth in claims 25-29.

Bane teaches a router having a subbase (see col. 1, first sentence under "Background of the Invention") 56 that is "coupled" to the hand-held power tool including at least router motor 1, housing section 22, and mount integral base ring 32 (Figures 1-2 and col. 1, line 72 through col. 2, line 32). Note that the subbase 56 supports the router as the tool is moved across a workpiece 20 (Figure 1).

Re claims 26-28, note that the subbase 56 has coplanar ribs 80 that extend at right angles to one another and to annular rib 70 that is coplanar with ribs 80, which annular rib 70 is located proximate the intersection of the ribs 80, and has an opening through which the tool bit passes (see Figures 4-5 and 1).

Re claim 29, as broadly claimed, the screws 58 that extend from openings 59 in the subbase 56 and that connect the subbase to the ring 32 (col. 2, lines 28-32 and Figure 2) are considered "mounting tabs".

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the specific router taught by Bane for the generic router taught by Johnson for the purpose of providing a router having a transparent subbase, thereby improving operator visibility of the cutting operation (see col. 1, lines 4-49 of Bane, for example).

11. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,383,503 to Johnson as applied to claim 41 above, and further in view of U.S. Pat. No. 4,652,191 to Bernier.

Johnson teaches all aspects of the present invention as set forth in the above rejection based thereon, but is silent as to the details of the router used, and thus does not explicitly teach that the router is a "plunge router".

Bernier teaches a plunge router (see Figures 1-2 and col. 2, line 53 through col. 3, line 47, for example), having a subbase 101 (see Figures 1-2) coupled to a handheld power tool (Figures 1-2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the plunge router taught by Bernier for the generic router taught by Johnson for the purpose of enabling the depth of cut to be easily adjusted, as is a well-known feature of a plunge router.

12. Claims 5 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,353,672 to Smith as applied to claims 1-4 and 31-32 above.

Smith teaches all aspects of the present invention as set forth in the above rejection based thereon. Additionally, note that as taught by Smith, the clamps 16 can be any suitable clamping means (col. 9, lines 23-26). However, Smith does not explicitly teach the use of "bolts and nuts" as the clamping means.

However, Examiner takes Official Notice that the C-Clamps shown by Smith and bolts and nuts as a clamping means are well-known in the art as functional equivalents.

Further note that it would appear that Smith's device would work equally well with either the explicitly-taught C-clamps or with nuts and bolts as the clamping device, particularly in light of Smith's teaching that other clamping devices can be used.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted one well-known functional equivalent for another, specifically to have substituted the well-known nuts and bolts for the C-clamps taught by Smith, depending on the design constraints or desires of the end user, such as availability or cost of one type of clamping device for the other.

13. Claims 15 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,353,672 to Smith as applied to claims 1 and 31 above, and further in view of U.S. Pat. No. 5,383,503 to Johnson.

Smith teaches all aspects of the present invention as set forth in the above rejection based thereon, but is silent as to the material of the template insert.

Johnson explicitly teaches that it is desirable to have a clear template in order to "allow precise positioning and locating of the workpiece there under during set up" (col. 4, lines 52-57).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the template taught by Smith out a clear material as taught by Johnson for the purpose of enabling precise positioning and locating of the workpiece there under during set up as explicitly taught by Johnson, thereby increasing the precision of the finished product.

14. Claims 7-8, 13, 15-16, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 1 above.

Smith teaches all aspects of the present invention as set forth in the above rejection based thereon, but is silent as to the material of the first member (re claims 7-8 and 36), the material of the template (re claims 15-16 and 36), and is silent as to the specific size of the template opening (re claim 13).

Examiner takes Official Notice that polycarbonate is a well-known material, and that it is a well-known property of polycarbonate that it is transparent.

Therefore, re claims 7-8 and 15-16 and 36, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the first member and the

template out of whatever known material was desired or expedient, including the well-known polycarbonate material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. See also Ballas Liquidating Co. v. Allied industries of Kansas, Inc. (DC Kans) 205 USPQ 331.

Re claim 13, it would have been an obvious matter of design choice to have made the size of the opening in the template to be whatever size was desired or expedient to an end user, depending on what size of recess it was desired to have routed into the workpiece, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

15. Claims 24 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claims 1 and 31 above, and further in view of either of U.S. Pat. No. 6,112,425 to Nelson et al., or US Patent Publication No. 2002/0095810 to Carlson et al.

Smith teaches all aspects of the present invention as set forth in the above rejection based thereon, and additionally teaches that the template opening 18 "can have any desired configuration, such being determined by a large degree by the particular design desired to be formed on the surface 24 of wooden panel work piece 12 via the cutting tool 20 of the router 22" (col. 8, lines 41-49). However, Smith does not explicitly teach that the template has a third opening.

Both Nelson et al. and Carlson et al. teach templates usable with cutters and having multiple openings therein for producing a variety of desired shapes (see Figure 1 of both documents).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the template taught by Smith with a plurality of template openings as taught by either of Nelson et al. or Carlson et al. for the purpose of increasing the functionality of Smith's template by thus increasing the number of different shapes that can be produced with a single template in a workpiece as would be readily understood by one having ordinary skill in the art.

16. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claims 1 and 25 above, and further in view of U.S. Pat. No. 3,581,787 to Bane.

Smith teaches all aspects of the present invention as set forth in the above rejection based thereon, but does not teach that the subbase has a first leg and a second leg arranged substantially perpendicular and coplanar to each other, etc.

Bane teaches a router having a subbase (see col. 1, first sentence under "Background of the Invention") 56 that is "coupled" to the hand-held power tool including at least router motor 1, housing section 22, and mount integral base ring 32 (Figures 1-2 and col. 1, line 72 through col. 2, line 32). Note that the subbase 56 supports the router as the tool is moved across a workpiece 20 (Figure 1).

Re claims 26-28, note that the subbase 56 has coplanar ribs 80 that extend at right angles to one another and to annular rib 70 that is coplanar with ribs 80, which annular rib 70 is located

proximate the intersection of the ribs 80, and has an opening through which the tool bit passes (see Figures 4-5 and 1).

Re claim 29, as broadly claimed, the screws 58 that extend from openings 59 in the subbase 56 and that connect the subbase to the ring 32 (col. 2, lines 28-32 and Figure 2) are considered "mounting tabs".

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the specific subbase taught by Bane for the generic router subbase taught by Smith for the purpose of providing a router having a transparent subbase, thereby improving operator visibility of the cutting operation (see col. 1, lines 4-49 of Bane, for example).

17. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 41 above, and further in view of U.S. Pat. No. 4,652,191 to Bernier.

Smith teaches all aspects of the present invention as set forth in the above rejection based thereon, but is silent as to many of the details of the router used, and does not explicitly teach that the router is a "plunge router".

Bernier teaches a plunge router (see Figures 1-2 and col. 2, line 53 through col. 3, line 47, for example), having a subbase 101 (see Figures 1-2) coupled to a handheld power tool (Figures 1-2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the plunge router taught by Bernier for the generic router taught by Smith for the purpose of enabling the depth of cut to be easily adjusted, as is a well-known feature of a plunge router.

Allowable Subject Matter

18. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Faxing of Responses to Office Actions and Contact Information

20. In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on Monday through Thursday from approximately 7:30 a.m. to 5:00 p.m., and every other Friday from approximately 7:30 a.m. to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached at (571) 272-4483.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erica E Cadugan
Primary Examiner
Art Unit 3722

eec
December 9, 2004